IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.27 OF 2003

IN

TESTAMENTARY PETITION NO.1 OF 2002

Ravi Maruti Shingre. ...Petitioner.

vs.

Ratnakar Vasant Bagve. ...Respondent.

Mr.Y.S.Jahagirdar i/b. Mr.G.N.Salunke, for Petitioner.

Mr.Sanjay Jain with Mr.B.Saraf, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 7th July, 2006.

P.C.:-

By consent of parties, the petition is disposed of in the following terms:-

1. The Heirship Certificate which is granted in the petition no.1 of 2002 dated 7.3.2002 in favour of the respondent – Ratnakar Vasant Bagwe shall be subject to the result of the Testamentary Suit no.16 of 2005.

2. In case in that Testamentary Suit the probate of the Will of the deceased Usha Bagwe is granted in favour of the petitioner Ravi Maruti Shingre, the heirship certificate granted referred to above shall automatically cease to operate.

3. In case on the other hand if the Court declines to grant probate sought in Suit no.16 of 2005, the heirship certificate granted, which is sought to be revoked in this petition, shall continue to operate.

4. During the pendency of the Suit no.16 of 2005, the interim order made in Appeal No.683 of 2005 by the Division Bench of this Court dated 26.9.2005 shall continue to operate as interim order made in that suit.

The petition is disposed of.